

REMARKS

In response to the election/restriction requirement set out at paragraph 2 of the Office Action dated July 6, 2007, the Applicants elect with traverse the group of claims containing claims 1 through 9, that is the group identified as group I.

The Applicants however believe that the restriction requirement is improper. Claims 1 through 9 are drawn to a method of representing a frame counter used in a communication between a sender and receiver. It is not limited to computer to computer data framing as suggested by the Examiner but deals with any data communication between the sender and receiver. The Examiner classifies claims 10 and 11 of group 2 as directed to data processing protection. However an examination of claims 10 and 11 shows that they are directed to the apparatus used to implement the method of claim 1.

Claim 10 is directed to a wireless device for receiving communications from other wireless devices in a wireless network. It is therefore directed to a device that is used in communication between a sender and a receiver as specified in claim 1. Although the apparatus includes a decryptor for de-crypting encrypted data, no details of the decryption are provided. It is therefore a generic function used in a communication between a sender and receiver. Claim 10 does however require a processor that performs steps of the method set out in claim 1. As such, a search of the art for the subject matter of claim 10 would necessarily include devices that implement the method of claim 1. Similarly a search for art relating to the method of claim 1 would clearly require a search through the art directed to wireless devices for implementing such a method. As such, claims 1 and 10 are properly to be included in a single application as no undue burden is placed upon the Examiner in examining both the method and apparatus claims.

Similar considerations apply to the apparatus claim 11 which is directed to the sender specifically referred in the preamble to the method claim. Again in order to properly search the method of claim 1, the art related to the apparatus of claim 11 would need to be reviewed in order to ensure that all relevant art has been considered.

As such, it is believed that the restriction requirement is improper and the Applicants respectfully request that it be withdrawn.

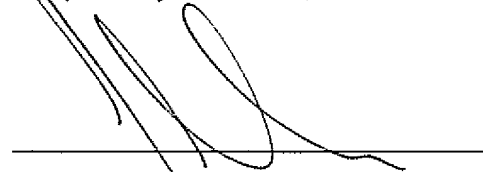
Application No. 10/726,493
Amendment Dated: January 3, 2008
Reply to Office Action of: July 6, 2007

The Applicants have also amended the claims presently on file to take into account developments in the prosecution of the corresponding European application.

Submitted concurrently herewith is a supplementary information disclosure statement (IDS) making of record the art cited in those proceedings. Copies of the art, which is non-patent art, are included in the IDS. It is noted in a document entitled "MAC Distributed Security Proposal" is not able under 35 U.S.C. 102b as it was published less than one year prior to the earliest filing date of the present application.

Further consideration of the present application and an indication of allowance is respectfully requested.

Respectfully submitted,



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